



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,550	02/10/2004	Darrell R. Estep	ESTD101	3132

7590 05/16/2006

ROBERT L. SHAVER
DYKAS, SHAVER & NIPPER, LLP
PO BOX 877
BOISE, ID 83701-0877

EXAMINER

DOOLEY, JAMES C

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,550

Applicant(s)

ESTEP, DARRELL R.

Examiner

James C. Dooley

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Final Office Action is mailed in response to amendment filed March 6, 2006, wherein claims 1 and 5 were amended, and claims 2-4 and 6-7 were presented as original.

Claim Objections

In claim 5 line 6, the relationship of the post is unclear. See amendment in claim 1 line 8.

Claims 3-7 reference a "base plate". The drawings do not show a base plate and the disclosure does not discuss a base plate.

Claim Rejections - 35 USC § 112

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 line 7, Applicant has introduced by amendment "with a chamfered... said base member. The disclosure makes no reference to a chamfer. In figure 5 item 22 appears to point to a chamfer, however figure 3 clarifies the object as linear with the guide dowel. The subject matter of the "chamfered interface" must be cancelled from the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Pursley (US 596,380). Pursley discloses a holder comprising a base member having a top side (7) a bottom side (8) and a left and right end.

Attached to the top side (7) of the base are a plurality of guide dowels (6) equidistant and fixed in place. Pursley also discloses a fixed and rigid retaining pin (14). Adjacent to the bottom side (8) of the base member is a generally flat insertion tab (5) extending parallel to the bottom side (8). The insertion tab (5) slidably engages a mounting bracket (2).

Applicant has disclosed the intended use of the disclosed apparatus is for holding appliance attachments having a tool, shaft with a bore and L-shaped slot. The configuration described in claim 1 line 8, is considered to be met by the Pursley reference as Pursley disclose a retaining pin (14) capable of engaging an L-shaped slot thereby interfitting the guide dowel (6) with a shaft.

With respect to claim 2, the guide dowels (6) have a surface and are therefore considered to be configured for a friction fit.

With respect to claims 3 and 4, Pursley discloses a generally flat base plate (15) attached adjacent the bottom side (8) of the base.

With respect to claim 5, Pursley discloses a holder comprising a base member having a top side (7) a bottom side (8) and a left and right end.

Attached to the top side (7) of the base are a plurality of guide dowels (6) equidistant and fixed in place. Pursley also discloses a fixed and rigid retaining pin (14). Mounted adjacent and parallel to the bottom side (8) of the base is a generally flat base plate (15). The base member slidably engages a mounting bracket (2).

With respect to claim 6 and 7, as shown in figures 1 and 2 the mounting bracket has left and right pads having a space in between for receiving the base member. Pursley discloses the mounting pads can have openings (pg 1. lines 45-48), openings being inherently necessary for bolts.

Response to Arguments

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground of rejection.


Conclusion

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

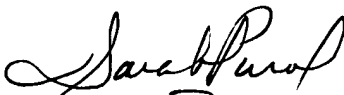
Art Unit: 3634

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



James C Dooley
Examiner
Art Unit 3634

May 3, 2006



SARAH POROL
PRIMARY EXAMINER